

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04081, from I-3 Employment Center District to R-3 Residential District, and from AG Agricultural District to R-3 Residential District, requested by Engineering Design Consultants on behalf of Stone Bridge Creek, LLC, on property generally located northwest of the I-80 and N. 27th Street Interchange.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Comprehensive Plan Amendment No. 05013 (05R-190); Annexation No. 05009 (05-119); and Annexation Agreement (05R-191).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/27/05, 05/11/05 and 06/08/05
Administrative Action: 06/08/05

RECOMMENDATION: Approval (6-0: Taylor, Pearson, Krieser, Sunderman, Carroll and Carlson voting 'yes'; Larson, Bills-Strand and Esseks absent).

1. This proposed change of zone request was heard before the Planning Commission in conjunction with the associated Comprehensive Plan Amendment No. 05013, Annexation No. 05009, the Stone Bridge Creek Villas Community Unit Plan and an amendment to Use Permit No. 139, to allow the development of 124 dwelling units and 478,455 sq. ft. of employment center floor area.
2. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.4, concluding that the proposed change of zone request is in conformance with the Comprehensive Plan and associated Comprehensive Plan Amendment.
3. The applicant's testimony is found on p.6.
4. There was no testimony in opposition; however, the record consists of one letter in opposition to the waiver of minimum lot width and lot area on the associated community unit plan (p.13).
5. On June 8, 2005, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval of this change of zone request (Taylor, Pearson, Krieser, Sunderman, Carroll and Carlson voting 'yes'; Larson, Bills-Strand and Esseks absent).
6. On June 8, 2005, the Planning Commission also voted 6-0 to recommend approval of the associated Comprehensive Plan Amendment and Annexation request.
7. On June 8, 2005, the Planning Commission also adopted Resolution No. PC-00929 approving the associated community unit plan, and Resolution No. PC-00930 approving the associated amendment to Use Permit No. 139. Neither of these resolutions were appealed.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 1, 2005

REVIEWED BY: _____

DATE: August 1, 2005

REFERENCE NUMBER: FS\CC\2005\CZ.04081

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 27, 2005 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #04081

PROPOSAL: To change the zone from I-3 to R-3 and AG to R-3.

LOCATION: Generally located northwest of the I-80 and 27th Street interchange.

LAND AREA: Change of Zone I-3 to R-3: 22 acres, more or less.
Change of Zone AG to I-3: 22 acres, more or less.

CONCLUSION: The request is in conformance with the Comprehensive Plan and associated Comprehensive Plan Amendment.

RECOMMENDATION:

Change of Zone:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG, Agricultural, I-3, Employment Center.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped, industrial and Agricultural	AG, I-3
South:	Industrial, undeveloped	I-3
East:	Interstate interchange	AG
West:	Agricultural, residential	AG, R-3

EXISTING LAND USE: Agricultural, undeveloped.

COMPREHENSIVE PLAN SPECIFICATIONS:

F-25 This area is shown as Industrial and Environmental Resources in the Comprehensive Plan.

F-54 Saline and Freshwater Wetlands – Wetlands provide distinctive habitat opportunities for various plants and animals, as well as offering flood control and water filtration benefits. Lancaster County is home to about 1,200 acres of very rare Eastern Nebraska Saline Wetlands. These wetlands offer a specialized habitat to several threatened and endangered species, including the Saltwort and Salt Creek Tiger Beetle. Lancaster County is the only place in the world where the Tiger Beetle exists. Owing to a dwindling Beetle population and the growth of the city, the National Fish and Wildlife Service is considering placing the Beetle on the Federal Threatened and Endangered Species list. The City and County are investigating ways to protect and preserve the unique habitat offered by the saline wetlands. This may include a blend of land uses stressing education, parks, floodplain, and low intensity development.

- F-65 Guiding Principals of Residential - Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.
- F-66 The guiding principles for new neighborhoods are a combination of principles found in this section in addition to the principles for all other sections within the plan, such as Business and Commerce and Mobility and Transportation. A neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, the environment and housing together in one place.
- F-67 Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
- Similar housing types face each other: single family faces single family, change to different use at rear of lot
- Parks and open space within walking distance of all residences;
- Multi-family and elderly housing nearest to commercial area;
- Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
- Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites).

HISTORY: Use Permit #139 with 500,500 square feet of employment center floor area was approved by the City Council in August 2001.

The area was zoned A-A, Rural and Public Use until 1979 when the zone was updated to AG, Agricultural.

ASSOCIATED REQUEST: Annexation #05009, Comprehensive Plan Amendment #05013, Special Permit #04067, and Use Permit #139A

SPECIFIC INFORMATION:

DESCRIPTION OF PROPERTY: The area is presently used for agricultural purposes. This area is upstream of a critical tiger beetle habitat. Wetlands exist in the area designated as environmental resources. The property abuts existing I-3 Employment Center district and is shown in the Comprehensive Plan to develop into an Employment Center.

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** Available to the area.
- B. **Water:** Available to the area.
- C. **Roads:** Humphrey Avenue is shown to extend along this property north connecting to Alvo Road.
- D. **Parks and Trails:** Private parks are located within the Stone Bridge Creek subdivision and internal private park areas are proposed in The Villas as part of Special Permit #04067.

- E. **Fire Protection:** The Fire Department indicated a concern with lack of facilities and resources in the area and increased response times.

ANALYSIS:

1. The request for a change of zone from AG to I-3 is in conformance with the Comprehensive Plan. The request for a change of zone from I-3 to R-3 is in conformance with the associated Comprehensive Plan Amendment #05013.
2. The I-3 district requires a minimum of 50 acres in a use permit. There is an associated request to amend the use permit to include the newly zoned area and the use permit is in conformance with the minimum area requirement. The area presently zoned I-3 is proposed to be removed from the existing use permit and developed under a special permit for community unit plan.
3. The United States Fish and Wildlife Service were sent a copy of the request and plans and comments were requested prior to the Planning Commission hearing, however comments have not been received.

Prepared by:

Becky Horner
441-6373, rhorer@lincoln.ne.gov
Planner

DATE: April 14, 2005

APPLICANT: Stone Bridge Creek LLC
3801 Union Drive, Suite 102
Lincoln, NE 68516
(402) 494-5650

CONTACT: Jason Thiellen
Engineering Design Consultants
2200 Fletcher Avenue, Suite 102
Lincoln, NE 68521

**COMPREHENSIVE PLAN AMENDMENT NO. 05013,
ANNEXATION NO. 05009,
CHANGE OF ZONE NO. 04081,
SPECIAL PERMIT NO. 04067,
STONE BRIDGE CREEK-THE VILLAS COMMUNITY UNIT PLAN,
and
USE PERMIT NO. 139A**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 27, 2005

Members present: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand.

Staff recommendation: Approval of the Comprehensive Plan Amendment and Change of Zone; approval of the Annexation, subject to an annexation agreement; and conditional approval of the community unit plan and amendment to the use permit.

Ex Parte Communications: None.

The Clerk announced that the applicant has submitted a written request for a two-week deferral.

Taylor moved to defer, with continued public hearing and action scheduled for May 11, 2005, seconded by Marvin and carried 9-0: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 11, 2005

Members present: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand.

Staff recommendation: Approval of the Comprehensive Plan Amendment; approval of the Annexation, subject to an Annexation Agreement; approval of the Change of Zone; and conditional approval of the Community Unit Plan and amendment to the Use Permit.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted a letter from the applicant requesting a four-week delay to revise the application, which will require new advertising and a new staff report.

Horner also submitted a letter from an adjacent neighbor in opposition to one of the waiver requests.

Taylor moved to defer, with continued public hearing and action scheduled for June 8, 2005, seconded by Pearson and carried 9-0: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 8, 2005

Members present: Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson; Larson, Bills-Strand and Esseks absent.

Staff recommendation: Approval of the Comprehensive Plan Amendment; approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the community unit plan and amendment to the use permit.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted a letter citing concerns about the smaller lot sizes.

Proponents

1. Jason Thiellen appeared on behalf of **Stone Bridge Creek, LLC**. Stone Bridge Creek Villas is a continuation of the Stone Bridge Creek development. This will be a great addition to the development. The applicant withdrew the request to waive the sidewalk on one side of the private roadway and will install sidewalks on both sides. Thiellen agreed with all conditions of approval.

Pearson asked Thiellen to show her where the environmentally sensitive area is located on the map. Thiellen pointed it out in the northeast portion of the site, and advised that it is outside of the use permit; however, it runs all the way up to Alvo Road. It is a fresh water, three pond system upon which the applicant worked with the Corps of Engineers in terms of enhancing the area.

2. Bob Lewis of **Stone Bridge Creek, LLC**, explained that it is a saline wetland area that abuts 27th and is located south of Arbor Road. He concurred that they have been working with the Corps, Game and Parks, and Fish and Wildlife. The saline wetlands had been farmed for quite some time and they are enhancing, rehabbing and enlarging that area and taking some smaller wetlands throughout the site and bringing them to the one location. It is approximately 30 acres. The area abuts 27th, just west of 27th and just south of Arbor Road.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 05013
ACTION BY PLANNING COMMISSION:

June 8, 2005

Carroll moved to approve, seconded by Krieser and carried 6-0: Taylor, Pearson, Krieser, Sunderman, Carroll and Carlson voting 'yes'; Larson, Bills-Strand and Esseks absent. This is a recommendation to the City Council and the Lancaster County Board.

ANNEXATION NO. 05009.

ACTION BY PLANNING COMMISSION:

June 8, 2005

Carroll moved approval, subject to an annexation agreement, seconded by Krieser and carried 6-0: Taylor, Pearson, Krieser, Sunderman, Carroll and Carlson voting 'yes'; Larson, Bills-Strand and Esseks absent. This is a recommendation to the City Council.

CHANGE OF NO. 04081

ACTION BY PLANNING COMMISSION:

June 8, 2005

Carroll moved approval, seconded by Krieser and carried 6-0: Taylor, Pearson, Krieser, Sunderman, Carroll and Carlson voting 'yes'; Larson, Bills-Strand and Esseks absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04067

ACTION BY PLANNING COMMISSION:

June 8, 2005

Carroll moved to approve the staff recommendation of conditional approval, seconded by Pearson and carried 6-0: Taylor, Pearson, Krieser, Sunderman, Carroll and Carlson voting 'yes'; Larson, Bills-Strand and Esseks absent. This is final action unless appealed to the City Council.

USE PERMIT NO. 139A

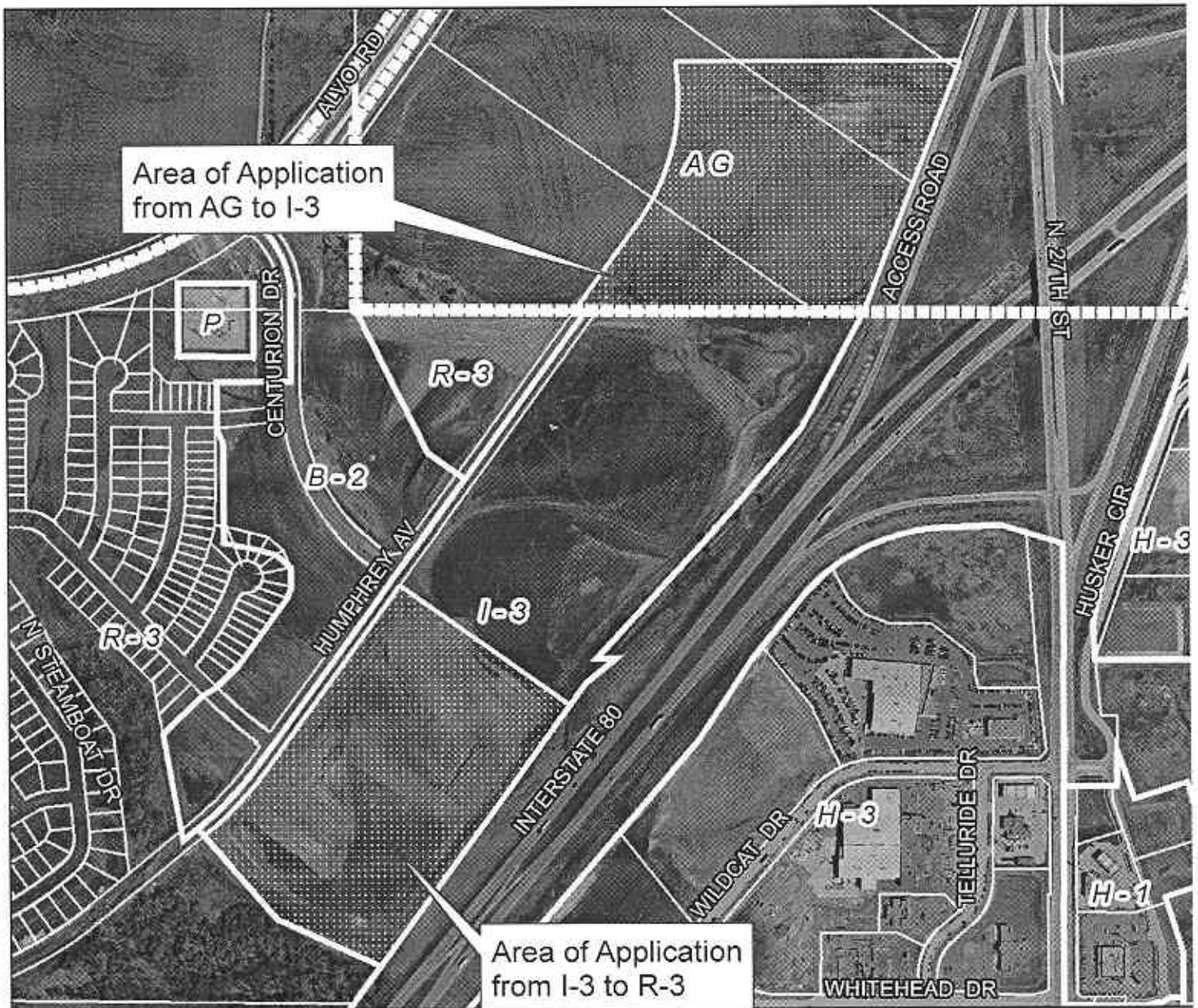
ACTION BY PLANNING COMMISSION:

June 8, 2005

Carroll moved to approve the staff recommendation of conditional approval, seconded by Krieser.

Carlson commented that this approves 124 dwelling units and 500,000 sq. ft. of employment center. We are looking for smart growth and this is the direction it needs to go.

Motion carried 6-0: Taylor, Pearson, Krieser, Sunderman, Carroll and Carlson voting 'yes'; Larson, Bills-Strand and Esseks absent. This is final action unless appealed to the City Council.



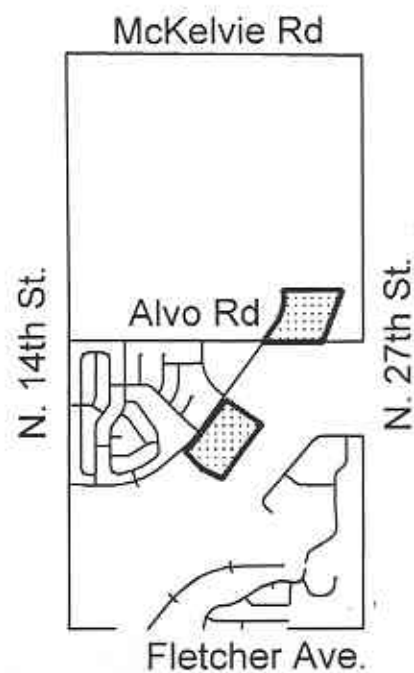
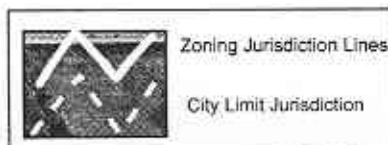
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Change of Zone #04081 Humphrey Ave. & Redstone Rd

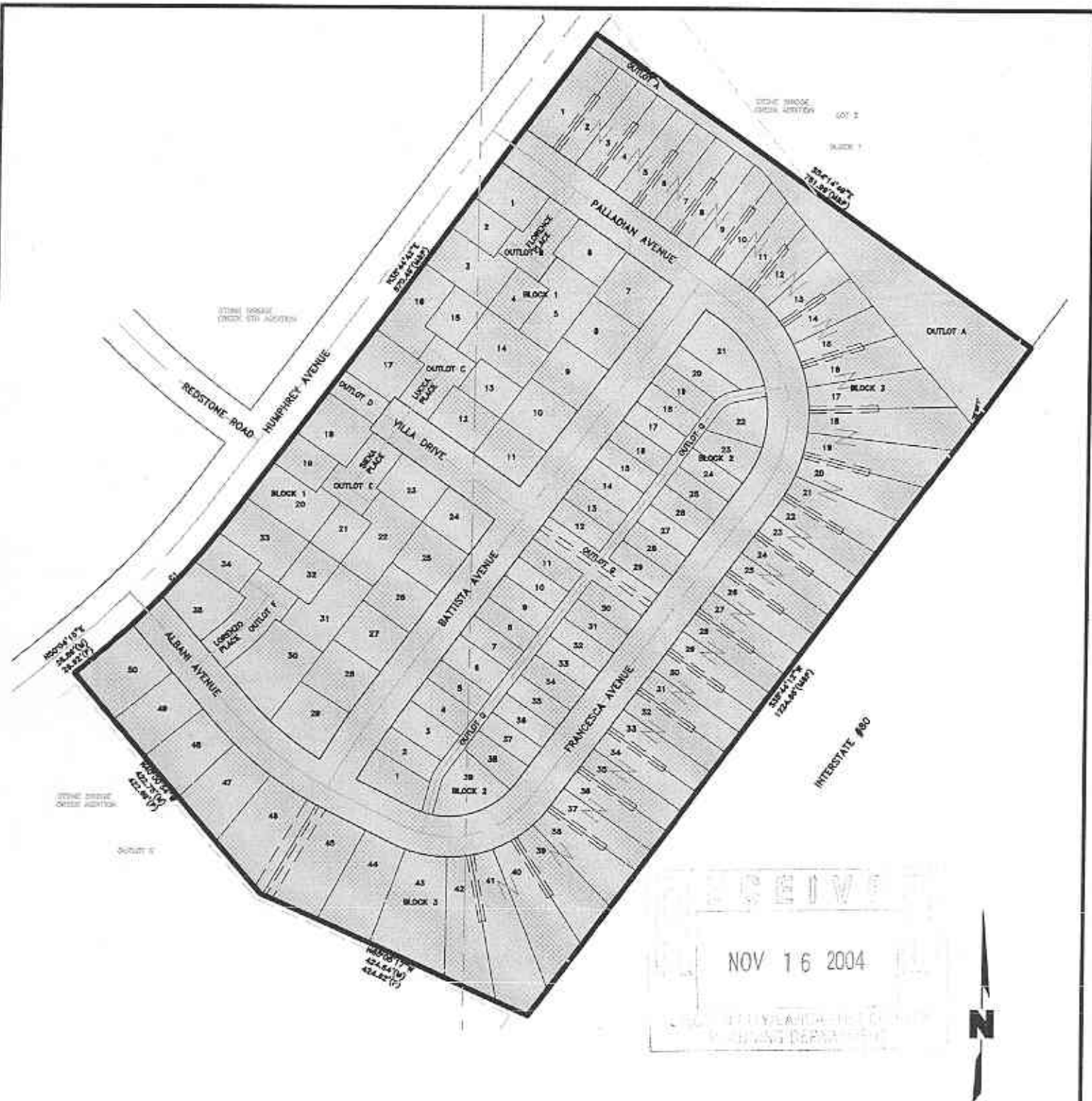
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Two Square Mile
Sec. 25 T11N R6E
Sec. 36 T11N R6E



008



CURVE TABLE

CURVE	DELTA	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	14°14'25"	307.20'	1236.00'	N42°52'12"E	306.41'

STONE BRIDGE CREEK VILLAS CUP +
CHANGE OF ZONE (I-3 TO R-3)

LOT 1, BLOCK 5, STONE BRIDGE CREEK ADDITION, LOCATED IN THE
NORTHEAST AND NORTHWEST QUARTERS OF SECTION 36, TOWNSHIP 11 NORTH,
RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY,
NEBRASKA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 5, STONE
BRIDGE CREEK ADDITION ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF
HUMPHREY AVENUE; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE OF
HUMPHREY AVENUE FOR THE NEXT 4 CALLS, N50°04'15"E, 26.89 FEET; THENCE
NORTHEASTERLY ON A 1,236.00 FEET FOOT RADIUS CURVE TO THE LEFT, AN
ARC LENGTH OF 307.20 FEET (LONG CHORD BEARS N42°52'12"E, 306.41 FEET);
THENCE N35°44'42"E, 870.49 FEET; THENCE S54°14'49"E, 781.99 FEET TO THE
NORTH RIGHT-OF-WAY LINE OF INTERSTATE #80; THENCE ON SAID NORTH
RIGHT-OF-WAY LINE, S35°44'12"W, 1,224.66 FEET; THENCE N65°05'17"W, 424.64
FEET; THENCE N40°00'54"W, 422.75 FEET TO THE POINT OF BEGINNING,
CONTAINING 991,850.87 SQUARE FEET (22.77 ACRES) MORE OR LESS.

RECEIVED

NOV 16 2004

010

AREA OF APPLICATION

CENTURION DRIVE

HUMPHREY AVENUE

REDSTONE ROAD



SCALE: NO SCALE

011



2000 Rucker Ave. Suite 100 Lincoln, NE 68501
402-438-0314 Fax 402-438-0315

**STONE BRIDGE CREEK
CHANGE OF ZONE - AG TO I-3**

Lincoln, NE

Drawn By: JMT
Dwg.: SBCsite_exhibit
Date: 03/31/05
Job#: 04-033-100

**SHEET
1 OF 2**

STONE BRIDGE CREEK
CHANGE OF ZONE EXHIBIT (AG TO I-3)

A PORTION OF LOTS 39, 47, 49 & 50 IRREGULAR TRACTS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 47 IRREGULAR TRACT, ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 27TH STREET, ALSO BEING THE NORTHEAST CORNER OF LOT 2, BLOCK 5, STONE BRIDGE CREEK ADDITION; THENCE ON THE NORTH LINE OF SAID LOT 2, N89°31'36"W, 1,085.32 FEET; THENCE N35°45'02"E, 419.00 FEET; THENCE NORTHERLY ON A 814.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 642.41 FEET (LONG CHORD BEARS N13°08'30"E, 625.87 FEET); THENCE S90°00'00"E, 1,064.73 FEET TO THE EAST LINE OF SAID LOT 50 IRREGULAR TRACT, ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 27TH STREET; THENCE ON SAID WEST RIGHT-OF-WAY LINE, S20°55'40"W, 1,026.18 FEET TO THE POINT OF BEGINNING, CONTAINING 950,537.29 SQUARE FEET (21.82 ACRES) MORE OR LESS.



"Bruce Spilker"
<bljspilker@hotmail.com>
06/07/2005 09:21 PM

To plan@lincoln.ne.gov (p.287 - cont'd public hearing -
cc knjspilker@hotmail.com 6/08/05)
bcc

Subject CUP request from Stone Creek-The Villa

Re: CUP request from Stone Bridge Creek - The Villas development located at Humphrey and Redstone Road.

Lincoln City - Lancaster County Planning Commissioners:

I would like to comment on some upcoming action before the Planning Commission. Current R-3 zoning requires a minimum lot width of 50 feet and minimum lot area of 6,000 square feet. The Community Unit Plan submitted by Stone Bridge Creek - The Villas requests a waiver of these minimums to 34 feet and 3,000 square feet respectively. It is my request that the waiver be denied.

As an acreage home owner in this area it is exciting to see the new development that has begun to the north of I-80. The Fallbrook development is a perfect example of a CUP that breaks the stereotype of north Lincoln being something less than the neighborhoods "down south", neighborhoods of small houses, starter homes and small lots. In short lower income living. Fallbrook, with its large lot size and green space, it has proven to be an excellent neighbor to the existing acreages. It is proof that north Lincoln can be and is attractive to all Lincolniters regardless of income level. The small lot size allowed by the waiver will only continue the negative stereotype of small home living.

I realize that every residential development in this area is not going to match the scale of Fallbrook. I do hope that as CUP's come before the Planning Commission that consideration be given to existing acreage owners and our desire to see north Lincoln rise above its negative stereotype. By maintaining the R-3 zone requirements on minimum lot size and area, not only can Lincoln continue to grow to the north but that growth can add value to the existing neighborhoods both acreage and residential.

Lincoln is a growing community. I am excited about that growth and support residential development in this area. While not every development can be a "Fallbrook", by not allowing the waiver of lot size and area, the Stone Bridge CUP can be a welcomed addition to the neighborhood. Something the city of Lincoln and existing acreage owners can be happy about. When this action comes before the Planning Commission please deny the requested waiver of lot size and area in this development.

Thank you for your time and attention to this matter.

Sincerely,

Bruce A. Spilker
280 Pennsylvania Avenue
Lincoln, NE 68521